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LETTER DATED 11 APRIL 1996 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to the letter from the Permanent Representative of the Sudan to the United Nations dated 4 April 1996 (S/1996/246) and its enclosure, and upon instructions from my Government, I have the honour to enclose herewith a statement by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia, dated 10 April 1996, giving the Ethiopian position regarding the trial of the suspects.

I should be grateful if you could kindly arrange to have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mulugeta ETEFFA
Ambassador
Permanent Representative

Annex

Statement by the Ministry of Foreign Affairs of Ethiopia issued on 10 April 1996

The statement issued by the Ministry of Foreign Affairs of the Sudan on 2 April 1996 concerning the trial in Ethiopia of three individuals accused of the attempted assassination of Egyptian President Hosni Mubarak in Addis Ababa in June 1995 is yet another desperate attempt by the Sudan at diverting the attention of the international community from the real issue currently under consideration by the Security Council, namely, the measures to be taken by the Council against the Sudan for its failure to comply with Council resolution 1044 (1996) of 31 January 1996 demanding the extradition of the three terrorists sheltering in the Sudan and wanted in connection with the assassination attempt against the Egyptian President. But no amount of subterfuge by the Sudan can in the least affect the true state of affairs regarding Sudan's involvement in State-sponsored terrorism in general and the attempted assassination against President Mubarak in particular, which are all matters of record.

Thus the Security Council has in no uncertain terms determined in its resolution 1044 (1996) that the Sudan is giving shelter to the three terrorists and that it engages in terrorist activities against its neighbours. And yet the Sudanese Government has the temerity to claim that Ethiopia has implicated the Sudan in the assassination attempt against the Egyptian President. We are well beyond that stage now. It has been quite some time since the matter ceased to be a bilateral issue between Ethiopia and the Sudan. Security Council resolution 1044 (1996) has effectively transformed it into an international issue in the hands of the Security Council. Here is a State Member of the United Nations which has been branded a sponsor of state terrorism by no less a body than the Security Council of the United Nations and has engaged itself in brazen obstruction of justice by refusing to extradite to Ethiopia three terrorists to stand trial for their terrorist activities as specifically demanded by the Security Council. Still, this international pariah State has the audacity to call for a public trial for the three terrorists now on trial in Ethiopia while giving shelter to the three other terrorists who should have been in the same situation as their co-conspirators facing justice in Ethiopia. Given the deep and glaring involvement of the Government of the Sudan, as established by incontrovertible evidence presented on the international plane, in the entire conspiracy to assassinate the Egyptian Head of State, the latest smokescreen created by the Sudan defies all logic and borders on being so farcical that the Sudan will once again fail in its futile attempt to hoodwink international opinion.

In the light of the foregoing, the Government of the Sudan has no legal or moral right to speak on behalf of the three defendants now on trial in Ethiopia, let alone make the outrageous demand that the trial be public.

On the question of public trial itself, independently of whether the Sudan has conducted itself properly in the whole episode, it should be pointed out that it is quite common for domestic legislation, including constitutions, to provide for circumstances under which trials may be held in camera. Moreover,

under international law it is permissible to exclude the public and the press from all or any part of a trial for reasons of national security, public order or morals or when the interest of personal lives of the parties so requires or, in the court's view, where publicity would prejudice the interests of justice. The decision of the Ethiopian court, which is in full conformity with article 20 of the Ethiopian Constitution to hold the trial of the three defendants in camera, is also fully consistent with the standard of international law.